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09/750,029	12/29/2000	Glen E. Shires	P 273233 P10167	6437

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EXAMINER	
ELAHEE, MD S	
ART UNIT	**PAPER NUMBER**
2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/750,029	SHIRES, GLEN E.	
	Examiner	Art Unit	
	Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 10/04/2004. Claims 19-41 are pending. Claims 1-18 have been cancelled.

Response to Arguments

2. Applicant's arguments filed in 10/04/2004 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 39, claims the non-statutory subject matter of a content of an article of manufacture. Data structures not claimed as embodied in computer-readable or machine-readable media are descriptive material per se and are not statutory because they are not capable of

causing functional change in the computer or machine. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). The claim fails to include practical application that produces either (1) tangible, concrete and useful result or (2) physical transformation. Therefore, since the claimed content do not comprise instructions to cause a processor to perform the method of the steps then the Applicants has not complied with 35 U.S.C 101.

Claims 19 and 26 are seemingly a patentable [method or system], however, it is in reality seeking patent protection of the content of an article of manufacture in the abstract as evidenced by the claim 39.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 19, 23-25 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent No. 6,449,260) and in view of Kozdon et al. (U.S. Patent No. 6,456,618).

Regarding claims 19 and 39, with respect to Figures 1, 7, 8, Sassin teaches a method comprising:

receiving at a web application [i.e., telephony server] a web request for a call-back to a user, the web request including information associated with the user and the call-back (fig.1; col.9, lines 31-33).

Sassin further teaches transmitting the web request including customer phone number [i.e., DTMF phone request] (col.9, lines 27-29) from the telephony server to a ACD [i.e., call center], the call center including an interactive voice response system to receive the DTMF phone request (col.3, lines 20-24, col.9, lines 40-46).

Sassin further teaches the ACD uses controller to set-up a call back from selected agent to the customer (col.9, lines 61-67, col.10, lines 1-2). However, Sassin does not specifically teach "converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator". Kozdon teaches converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator (col.6, lines 40-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sassin to incorporate converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator as taught by Kozdon. The motivation for

the modification is to have doing so in order to provide the decompressed information to the agent such that the agent can make the call back.

Regarding claim 23, Sassin teaches that the information associated with the user and the call-back includes a telephone number to be used for the call-back (col.9, lines 27-29).

Regarding claim 24, Sassin teaches that the information associated with the user and the call-back includes user account information (col.9, lines 27-29).

Regarding claim 25, Sassin teaches that the web request includes a selection of a telephone information service to be provided by the call center (col.9, lines 40-46). (Note; Based on the information provided in the web request, ACD selects an appropriate agent to serve the request.)

Regarding claim 40, Sassin teaches that the machine-accessible medium further includes content that causes the machine to route by the call center the call to an agent station (col.9, lines 61-67, col.10, lines 1-2).

Claim 41 is rejected for the same reason as discussed above with respect to claim 19. Furthermore, Sassin teaches that the machine-accessible medium further includes content that causes the machine to present the information associated with the web request, related from the string of DTMF codes, on the agent station (col.9, lines 40-46, 61-67, col.10, lines 1-2).

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent No. 6,449,260) in view of Kozdon et al. (U.S. Patent No. 6,456,618) further in view of Foladare et al. (U.S. Patent No. 6,049,602).

Regarding claim 20, Sassin teaches parsing the information received in the web request (col.9, lines 40-46).

However, Sassin in view of Kozdon does not specifically teach "generating a string of DTMF codes encoding the user information based on the interactive voice response tree". Foladare teaches generating a string of DTMF codes encoding the caller [i.e., user] information based on the interactive voice response tree (col.3, lines 5-15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sassin in view of Kozdon to incorporate the feature of generating a string of DTMF codes encoding the user information based on the interactive voice response tree as taught by Foladare. The motivation for the modification is to have doing so in order to provide the encoded information to the call center.

Regarding claim 21, Sassin teaches transmitting the string of DTMF codes to the call center (col.9, lines 27-29, 40-46).

Claim 22 is rejected for the same reason as discussed above with respect to claims 40, 41.

9. Claims 19, 23-25, 26-30, 33-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al. (U.S. Patent No. 6,493,447) in view of Kozdon et al. (U.S. Patent No. 6,456,618).

Regarding claims 19 and 39, with respect to Figures 1, 4, 7-9, Goss teaches a method comprising:

receiving at a Contact Server [i.e., telephony server] a web request for a call-back to a user, the web request including information associated with the user and the call-back (fig.1; col.1, lines 62-67, col.2, lines 1-2, col.4, lines 13-22).

Goss further teaches transmitting the web request including customer phone number [i.e., DTMF phone request] (col.7, line 29) from the telephony server to a ACD [i.e., call center], the call center including an interactive voice response system to receive the DTMF phone request (col.3, lines 51-64, col.4, lines 13-22).

Goss further teaches the ACD provides the call back service from selected agent to the customer (col.4, lines 13-16). However, Goss does not specifically teach "converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator". Kozdon teaches converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator (col.6, lines 40-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goss to incorporate converting the web request to a DTMF (Dual Touch-tone Multi-Frequency) phone request via a DTMF string generator as taught by Kozdon. The motivation for the

modification is to have doing so in order to provide the decompressed information to the agent such that the agent can make the call back.

Regarding claim 23, Goss teaches that the information associated with the user and the call-back includes a telephone number to be used for the call-back (col.7, lines 27-29).

Regarding claim 24, Goss teaches that the information associated with the user and the call-back includes user account information (col.7, lines 27-29).

Regarding claim 25, Goss teaches that the web request includes a selection of a telephone information service to be provided by the call center (col.4, lines 13-22). (Note; Based on the information provided in the web request, ACD selects an appropriate agent to serve the request.)

Regarding claim 26 is rejected for the same reason as discussed above with respect to claim 19. Furthermore, with respect to Figures 1, 4, 7-9, Goss teaches a system comprising:

a ACD [i.e., call center] to provide a telephone information service (fig.1, item 12).

Goss further teaches a Contact Server [i.e., telephony server] for data integration coupled via a phone switching network to a Web Server [i.e., browser server] (fig.1, item 30) and to the call center, wherein the telephony server to receive from the browser server a web request for a call-back to a user, to use the phone request to place a call by the telephony server to a call center (fig.1; col.1, lines 62-67, col.2, lines 1-22, col.3, lines 51-64, col.4, lines 13-22).

Regarding claim 27, Goss teaches that the call center comprises an interactive voice response system to interactively respond to a call via voice based on an interactive voice response tree (col.4, lines 13-16).

Regarding claims 28, 40, Goss teaches that the call center further comprises an automatic call distributor to route the call to an agent at an agent station (col.4, lines 13-22).

Regarding claim 29, Goss teaches that the call center further comprises an automatic call distribution gate to selectively connect a routed call to the agent station (col.4, lines 13-22).

Regarding claim 30, Goss teaches that the call center further comprises a customer relation management system for storing, retrieving, and managing user information (col.4, lines 37-40).

Claim 41 is rejected for the same reason as discussed above with respect to claim 19. Furthermore, Goss teaches that the machine-accessible medium further includes content that causes the machine to present the information associated with the web request, related from the string of DTMF codes, on the agent station (col.7, lines 26-38).

10. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al. (U.S. Patent No. 6,493,447) in view of Kozdon et al. (U.S. Patent No. 6,456,618) further in view of Foladare et al. (U.S. Patent No. 6,049,602).

Regarding claim 31, Goss teaches parsing the information received in the web request (col.1, lines 62-67, col.2, lines 1-2).

However, Goss in view of Kozdon does not specifically teach "generating a string of DTMF codes encoding the user information based on the interactive voice response tree". Foladare teaches generating a string of DTMF codes encoding the caller [i.e., user] information based on the interactive voice response tree (col.3, lines 5-15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goss in view of Kozdon to incorporate the feature of generating a string of DTMF codes encoding the user information based on the interactive voice response tree as taught by Foladare. The motivation for the modification is to have doing so in order to provide the encoded information to the call center.

Regarding claim 32, Goss teaches that the telephony server further comprises:

a receiver to receive from the browser server the web request (col.1, lines 62-67, col.2, lines 1-22, col.4, lines 13-22); and

a transmitter to transmit the DTMF string to the interactive voice response system of the call center (col.4, lines 13-22).

Regarding claim 33, Goss teaches at least one agent station coupled to the call center (fig.1).

Regarding claim 34, Goss teaches that the agent station comprises:

a telephone to receive and answer a routed call from the call center (col.7, lines 56-57);

a display screen to display information (col.7, line 27); and

a presentation unit to receive information associated with the routed call and to display the information on the display screen (col.7, lines 26-29).

Regarding claim 35, Goss teaches the browser server is communicatively coupled to a user device (fig.1).

11. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al. (U.S. Patent No. 6,449,260) in view of Kozdon et al. (U.S. Patent No. 6,456,618) further in view of Stovall (U.S. Patent No. 6,192,050).

Regarding claims 36-38, Goss fails to teach that the device is a personal computer; a personal digital assistant device; a laptop computer. Stovall teaches that the device is a personal computer, a personal digital assistant device or a laptop computer (fig.1; col.2, lines 60-65). Thus, it would have been obvious to one of ordinary skill in the art to modify Goss to allow the device as a personal computer, a personal digital assistant device or a laptop computer as taught by Johnson. The motivation for the modification is to incorporate the equipments mentioned

above in Goss's system in order to have a system with better equipments to support call-back features in a suitable working environment.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lin (US 6,285,683) teach Method and apparatus for providing extended capability telephone services via an automated server; and

Bateman et al. (US 5,884,032) teach System for coordinating communications via customer contact channel changing system using call centre for setting up the call between customer and an available help agent.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 8, 2007

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